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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,316	02/17/2004	Takashi Suzuki	01201D/HG	4866

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NEW YORK, NY 10001-7708

EXAMINER

FIGUEROA, JOHN J

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,316

Applicant(s)

SUZUKI ET AL.

Examiner

John J. Figueroa

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 6-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 4 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/829,061.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/04 & 5/28/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I in the reply filed on April 27, 2006 is hereby acknowledged. Because Applicant did not distinctly and specifically point out any supposed errors in the restriction requirement, the election has been treated without traverse.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/829,061, filed on April 9, 2001.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number (USPN) 4,656,077 to Larimore et al. (hereinafter

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'Larimore') in view of the DERWENT Abstract of JP 4-254803 A to NIPPON KAYAKU (hereinafter 'Kayaku').

Regarding Kayaku, for the purposes of this Office Action, Examiner is relying on the DERWENT Abstract of the reference. An English translation of JP 4-254803 A (which is in Japanese) will be obtained prior to the next Office Action.

Larimore discloses a tape formed by coating a pressure sensitive adhesive layer on a cellulose acetate backing, wherein said pressure sensitive adhesive layer can be crosslinked and contains a copolymer formed from a) monomers of acrylic, methacrylic or itaconic acid, and b) monomers of acrylic acid esters of C₁ to C₁₄ non-tertiary alcohols. (Abstract; col. 3, lines 14-22; col. 3, lines 55-61; Examples 1, 10 and 11)

Larimore also discloses examples of the adhesive composition further containing monophenyl ether or 2,2-dimethoxy-2-phenyl-acetophenone (phenol compounds) as a photoinitiator and further provides an example of a pressure sensitive adhesive tape (adhesive sheet) having the adhesive composition coated on a cellulose acetate backing. (Examples 1, 8 and 10-11)

However, Larimore does not explicitly provide an example of the adhesive methacrylic copolymer composition/cellulose acetate composite having said composition further contain a phenol compound.

Kayaku teaches a laminate containing an acetyl cellulose film (e.g. cellulose acetate) and an acrylic-type adhesive agent layer, wherein said adhesive agent layer includes 2,4,6-tris-(N,N-dimethylaminomethyl)phenol (phenol compound). Moreover, Kayaku teaches that the adhesive layer containing said phenol compound prevents

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hydrolysis of the acetyl cellulose-type film upon exposure for long periods of time to environmental conditions of high temperature and high humidity and further enhances the durability of the product containing the laminate. (See Abstract)

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to add 2,4,6-tris-(N,N-dimethylaminomethyl)phenol to the methacrylic copolymer adhesive composition in Larimore's pressure sensitive adhesive (psa) tape having cellulose acetate as the backing. It would have been obvious to one skilled in the art to do so in order to attain a resultant enhanced adhesive composition/cellulose acetate psa tape having superior durability and stability when exposed to extreme environmental conditions as taught by Kayaku.

Thus, the instant claims are unpatentable over Larimore and Kayaku.

5. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayaku in view Larimore.

Kayaku and Larimore were discussed above in the immediately preceding paragraph.

Kayaku does not disclose the acrylic-type composition further containing a crosslinking agent.

However, Larimore teaches a crosslinked methacrylic copolymer adhesive composition that is crosslinked and further contains a phenol compound as a photoinitiator. (See e.g., Examples 10-11 in Larimore) Larimore further teaches that crosslinking the polymer composition greatly enhances the strength and integrity of the

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adhesive layer film in addition to reducing its stretchability. (Col. 4, line 38 to col. 5, line 11)

Accordingly, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use Larimore's crosslinkable methacrylic copolymer/photoinitiator composition as the acrylic-type adhesive agent in Kayaku's laminate having an adhesive layer and an acetyl cellulose film layer. It would have been obvious to one skilled in the art to do so to incorporate Larimore's teachings and attain a resultant laminate having enhanced physical properties, and thus is more stable and marketable, due to its crosslinked-adhesive layer having superior strength and reduced stretchability.

Thus, the instant claims are unpatentable over Kayaku and Larimore.

Allowable Subject Matter

6. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Figueroa whose telephone number is (571) 272-

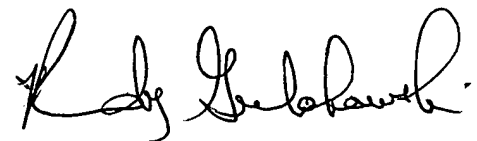
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8916. The examiner can normally be reached on Mon-Thurs & alt. Fri from 8:00-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJF/RAG



RANDY GULAKOWSKI
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